

**IN THE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION**

AEP TEXAS NORTH COMPANY, ET AL.	§ § §
Plaintiffs	
v.	§ CIVIL ACTION NO. 6:10-cv-00036
SWEATT INDUSTRIES, INC. d/b/a SENTRY SERVICES, ET AL.	§ JURY TRIAL REQUESTED
Defendants	§ § §

**FIRST AMENDED OPPOSED MOTION FOR LEAVE TO  
FILE AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

1. This matter is governed by a scheduling order entered by the Court on August 3, 2010. Pursuant to that Order, the deadline for Plaintiffs to amend their complaint to add additional parties was November 15, 2010. Plaintiffs fully complied with this deadline by filing the First Amended Complaint accordingly.
2. In an abundance of caution, Plaintiffs hereby seek leave, to the extent necessary, to file their First Amended Complaint. This First Amended Complaint does not change any substantive causes of action, but simply adds additional parties pursuant to the joinder deadline as outlined in the Scheduling Order. A copy of the proposed First Amended Complaint is attached hereto as Exhibit "A."

Respectfully submitted,

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By: 

Brian J. O'Toole  
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State Bar No. 50511631

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on November 16, 2010 my office consulted with William Keith Davis, attorney for Defendant Martin Electric Co., and Mr. Davis indicated that he does not oppose the Amended Motion for Leave to File First Amended Complaint.

I further certify that the other Defendants have either settled with the Plaintiffs and have been dismissed from the lawsuit, or have not appeared in the lawsuit at the time of this filing. It is not possible to confer with them regarding this Amended Motion for Leave to File First Amended Complaint, and the motion is therefore presumed opposed.



Brian J. O'Toole

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following parties on November 17, 2010.



Brian J. O'Toole

**Via facsimile**

Wm. Keith Davis  
Hay Wittenburg Davis Caldwell &  
Bale, LLP  
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*Attorneys for Martin Electric Co., Inc.*

**Via Certified Mail, Return Receipt Requested**

Sweatt Industries, Inc. d/b/a Sentry Services  
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Odessa, TX 79762 -7741

Orson Electric Co.  
Robert C. Orson  
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Andrews, TX 79714

Amanda Hernandez d/b/a AH Construction  
Amanda Hernandez  
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San Angelo, TX 76903

Buena Vida Apartments  
Les Neely  
1505 La Fonda Drive  
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LG Electronics USA, Inc. f/k/a  
Zenith Electronics Corp. of Texas  
United States Corporation Co.  
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